



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

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March 15, 2018

James R. Jones
Director of Schools
Polk County School District
131 Stephens Street
Benton, Tennessee 37307

Re: Complaint #04-15-1568

Dear Mr. Jones:

On September 30, 2015, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint filed against Polk County School District (District), alleging discrimination the basis of sex in athletics. Specifically, the Complainant alleged that the girls' soccer team at Polk County High School (School) does not have adequate facilities to practice and compete as the soccer team is often prevented from using the currently assigned field when the football team chooses to use the field for practice; and, the field has a slope at one end which obscures visibility for spectators. Additionally, the girls have to change for the game in the field house.

As a recipient of Federal financial assistance from the Department, the District is subject to Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.*, (Title IX) and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex. Accordingly, OCR has jurisdiction to investigate this complaint.

OCR initiated an investigation into whether the District denies female students an equal athletic opportunity, in noncompliance with the Title IX implementing regulation at 34 C.F.R. Section 106.41(a) and (c)(7) in the provision of locker rooms, practice and competitive facilities.

Prior to the conclusion of OCR's investigation, the District offered and OCR determined it is appropriate to resolve the complaint with a resolution agreement pursuant to Section 302 of OCR's Case Processing Manual (CPM). On March, 12, 2018, the District signed a resolution agreement (Agreement) agreeing to 1) construct a soccer field that is the required width and length for a high school soccer field and has a level playing surface, and install a scoreboard; the field will be used exclusively by the soccer team for practices and games during the season; and, 2) ensure that the softball team has exclusive or comparable use of a locker room facility when both softball and baseball have home games.

The provisions of the Agreement are aligned with the complaint allegations and the information obtained during the investigation and is consistent with applicable regulations. When fully implemented, the Agreement will address all of the complaint allegations. OCR will monitor the implementation of the Agreement.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If we receive such a request, we will seek to protect, to the extent possible, any personally identifiable information, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

Intimidation or retaliation against complainants by recipients of Federal financial assistance is prohibited. No recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint, or participated in any manner in an investigation in connection with a complaint.

This concludes OCR's consideration of this complaint, which we are closing effective the date of this letter. If you have any questions regarding this letter, please contact Vicki Lewis, Senior Attorney, at 404-97-9332 or vicki.lewis@ed.gov or Arthur Manigault, Compliance Team Leader at 404-974-9376 or art.manigault@ed.gov.

Sincerely,

Melanie Velez, Esq.
Regional Director

Enclosure